

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Michael Smith,

Court File No.:

Plaintiff,

v.

**NOTICE OF REMOVAL**

Monarch Recovery Management, Inc.,

Defendant.

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NOW INTO COURT, through undersigned counsel, comes defendant, Monarch Recovery Management, Inc. ("Monarch"), which hereby removes from the Fourth Judicial District Court, County of Hennepin, State of Minnesota the following described lawsuit, and respectfully states as follows:

1. Monarch is the only defendant in a civil action commenced by plaintiff, Michael Smith, in the Fourth Judicial District Court, County of Hennepin, State of Minnesota, captioned as *Michael Smith v. Monarch Recovery Management, Inc.* (hereinafter the "State Court Action").
2. Pursuant to 28 U.S.C. §§ 1441 and 1446, Monarch removes the State Court Action to this Court, which is the federal judicial district in which the State Court Action is pending.
3. The Complaint in the State Court Action (hereinafter the "State Court Action Complaint") asserts claims under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C.

§ 1692, *et seq.*, and the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, *et seq.*

4. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, this Court would have original, federal question jurisdiction over plaintiff's FDCPA and TCPA claims per 28 U.S.C. § 1331, 47 U.S.C. § 227 and 15 U.S.C. § 1692k.

5. Monarch was served with summons and the State Court Action Complaint on December 23, 2011. This Notice of Removal is filed within 30 days of receipt of the State Court Action Complaint by Monarch and is therefore timely filed under 28 U.S.C. § 1446(b).

6. A copy of all process, pleadings and orders served upon Monarch in the State Court Action are being filed with this Notice and are attached hereto as Exhibit A (Summons and Complaint) and Exhibit B (Answer and Affirmative Defenses).

WHEREFORE, Monarch Financial Systems, Inc. removes the case captioned *Michael Smith v. Monarch Recovery Management, Inc.*, from the Fourth Judicial District Court, County of Hennepin, State of Minnesota, on this 17th day of January, 2012.

**ERSTAD & RIEMER, P.A.**

Dated: 1/17/12

By: 

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